IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WP No. 17410 of 2006

Between :

M/s. Escorts Construction Equipment Ltd., .. Petitioner

And

Commercial Tax Officer, Saroornagar Circle, Hyderabad and two others .. Respondents

Dated : 23rd August, 2006

ORAL ORDER : (per JC,J)

The petitioner is a public limited company engaged in the business of manufacturing and sale of material handling equipment/construction equipment etc., and is an assessee on the rolls of the 1st respondent. For the assessment year 2002-2003, the liability of the petitioner came to be Rs.24,62,933/- under the APGST Act and came to be determined by the 1st respondent by his assessment order dated 10.2.2005.

Aggrieved by the said assessment, the petitioner filed an appeal before the 2nd respondent by paying 12.5% of the disputed tax. Along with the appeal, he filed an application

for stay of collection of the balance tax due under the assessment. The said application was rejected. Thereupon, the petitioner carried the matter in revision before the 3rd respondent. By proceedings dated 4.2.2006. the 3rd respondent also rejected the revision. In the meanwhile, the appeal of the petitioner came to be dismissed and aggrieved by the said dismissal order, the petitioner carried the matter in further appeal before the Sales Tax Appellate Tribunal. The said appeal is said to be still pending. During the pendency of the said appeal, the petitioner filed a petition seeking stay of collection of the balance tax referred to earlier. The said petition was rejected by the 3rd respondent by proceedings dated 14.7.2006. Subsequently, the 1st respondent issued a notice dated 4.8.2006 for payment of the balance disputed tax and hence the present writ petition.

Heard the learned Government Pleader.

In the circumstances, we are of the opinion that the matter can be disposed of at this stage directing the respondents not to take any coercive steps for the recovery of the tax mentioned above on condition the petitioner deposits 50% of the tax found due by the 1st respondent. The amount of tax if any paid already shall be given credit to the amount of 50% of the tax.

(J.CHELAMESWAR, J)

(D.APPARAO, J)

23rd August 2006.

Knk